



State of Washington  
**PUBLIC DISCLOSURE COMMISSION**

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9:30 a.m.  
October 27, 2005

**MINUTES – SPECIAL MEETING**

Evergreen Plaza Bldg. Room 206  
711 Capitol Way South  
Olympia, Washington

**COMMISSION MEMBERS PRESENT**

Earl Tilly, Chair  
Jane Noland, Vice Chair  
Bill Brumsickle, Secretary  
Michael Connelly, Member  
Ken Schellberg, Member

**STAFF PRESENT**

Vicki Rippie, Executive Director  
Doug Ellis, Assistant Director  
Michael Smith, Chief Technology Officer  
Nancy Krier, Senior Counsel  
Linda Dalton, Sr. Asst. Attorney General  
H. Bruce Marvin, Asst. Attorney General  
Chip Beatty, Secretary

The special meeting of the Public Disclosure Commission was called to order by Commission Chair Earl Tilly at 9:30 a.m. in the Evergreen Plaza Building, Room 206, Olympia, Washington.

**Commissioner Comments**

Commissioner Schellberg stated that he conducted brief enforcement hearings on October 18, 2005. He remarked that it was a good experience for him and thanked Chair Tilly for the opportunity.

Commissioner Noland congratulated the staff on Washington being rated as having the number one campaign disclosure program in the country for the third consecutive year.

Chair Tilly notified the Commission that there would be an appeal of his decision denying a hearing continuance to Angel Kavanaugh at 12:00 p.m. today.

Citizen Comments/Concerns

No citizen comments or concerns were expressed.

Minutes

**Motion 06-031**

Moved by Commissioner Schellberg, seconded by Commissioner Brumsickle:

**The Commission adopts the minutes of September 15, 2005, as written.**

The motion passed unanimously.

Rule Making

Doug Ellis summarized draft amendments to the following rules:

- WAC 390-05-400 Changes in dollar amounts
- WAC 390-12-010 Public Disclosure Commission – Regular meetings

**Motion 06-032**

Moved by Commissioner Connelly, seconded by Commissioner Schellberg:

**The Commission approves the draft language, as presented, for WAC 390-05-400 and WAC 390-12-010 and authorizes staff to move forward with the rule-making process.**

The motion passed unanimously.

In anticipation of the rule making activity that will be necessary for implementing the Electioneering Communications law, Vicki Rippie outlined the purposes behind the bill, the major provisions, how it compares to federal law, how electioneering communications reporting fits into the existing reporting picture, and the evolution of independent expenditures reporting.

The Commission provided the following preliminary direction to staff:

1. Approved an implementation goal:

Achieve maximum transparency in the easiest, most cost-effective manner consistent with the language and intent of the law.

2. Concurred with having one form for reporting independent expenditures and electioneering communications (issue ads).
3. Agreed that the form will indicate whether the ad supports or opposes candidates.
4. Concurred that the draft form should also:
  - Attribute the appropriate portion of the total expense to the candidates or propositions identified in the ad.
  - Show an aggregate total spent during the campaign on communications featuring the candidates or propositions identified in the ad.
  - Exempt political committees filing C-3 contribution reports from the requirement to again identify their sources of funds on the C-6 form unless the funds are earmarked for the ad.
  - Have instructions explaining who has to report, when and how, and a section-by-section explanation of the form's requirements.
5. Agreed that once a sponsor reaches the \$5000 threshold regarding a candidate, all additional electioneering communications identifying the candidate are reportable regardless of their value.

#### Advisory Matters

*Does RCW 42.17.130(3) allow water-sewer districts to support or oppose ballot propositions?*

Vicki Rippie reported on a request for guidance submitted by Hal Schlomann, Executive Director of the WA Association of Sewer and Water Districts, asking if RCW 42.17.130(3) allows an elected water-sewer board to support or oppose ballot propositions. She informed the Commission that Rep. Geoff Simpson has requested a formal Attorney General Opinion concerning this matter and recommended to the Commission that this matter be held over for discussion until that opinion has been rendered.

*Charging interest on extended  
payments of civil penalties*

The Commission concurred with this recommendation.

Doug Ellis briefed the Commission on the policies of like agencies concerning interest charged. He outlined the current penalties that are being satisfied under a payment plan.

The Commission requested that staff draft a recommendation on charging interest when penalties are paid over time.

*Stipulated settlements*

Doug Ellis outlined the current practice surrounding stipulated settlements and asked the Commission to provide direction.

The Commission agreed that staff may bring stipulations that include penalties that fall within the Commission's penalty authority, and that this matter would be reviewed in one year.

Electronic Filing Waiver Request

*Jeffrey Keck, a 2005 Candidate for  
Kent Municipal Court Judge*

Kurt Young reported that Jeffrey Keck requested a waiver from filing reports electronically.

Mr. Keck participated by telephone.

**Motion 06-033**

Moved by Commissioner Connelly, seconded by Commissioner Brumsickle:

**The Commission denies the request of Jeffrey Keck.**

Voting For: Commissioners Tilly, Connelly, Schellberg, and Brumsickle.

Voting Against: Commissioner Noland.

The motion passed.

Staff Reports

Executive Director

Vicki Rippie reported that she has been working on rule development for electioneering communications, that the agency is expected to receive approximately \$20,000 for its savings account from FY05 funds

which may be needed for website upgrades, and that revenues generated for FY06 are up from previous years.

She also noted that three staff members and one commissioner will be attending the COGEL Conference in December and there is a state and local 2006 Ethics Conference slated for June of next year.

Assistant Director

Doug Ellis reported that he and Lori Anderson met with media representatives in Kennewick and Yakima. He outlined the current status of compliance cases as well as the results of the recent brief enforcement hearings and summarized the Sustainability Report completed by Suemary Trobaugh.

Commissioner Noland expressed her concerns regarding the timeliness of processing and resolving complaints prior to an election.

Commissioner Connelly responded that it may be possible to complete the investigations more expediently if the staffing and budget for it were available.

Executive Session

The Commission went into executive session at 12:15 p.m. to discuss pending and potential litigation with legal counsel.

Public Session

The Commission returned to public session at 1:14 p.m.

Enforcement

Hearings:

*Catherine Wood, Case #06-014*

Phil Stutzman summarized the case against Catherine Wood for an alleged violation of RCW 42.17.240 by failing to timely file the Statement of Financial Affairs by April 15, 2005. He noted that Ms. Wood has had three previous stipulations. The F-1 has been filed.

**Motion 06-034**

Moved by Commissioner Schellberg, seconded by Commissioner Noland:

**In PDC Case #06-014, Catherine Wood, the Commission finds a violation of RCW 42.17.240**

**and assesses a penalty of \$750 with \$250 suspended on the condition that there are no further violations for a period of two years. The penalty is to be paid within 30 days from the date of the order.**

The motion passed unanimously.

*Citizens For a Healthy Economy,  
Case #06-251*

Senior Assistant Attorney General Linda Dalton summarized the case against Citizens For a Healthy Economy for alleged violations of 1) RCW 42.17.080 and .090 by failing to timely file reports of contributions and expenditures during the 2005 campaign cycle and 2) RCW 42.17.3691 by failing to file its campaign reports electronically. Ms. Dalton also commented on the proposed Stipulation of Facts and Violations.

**Motion 06-035**

Moved by Commissioner Connelly, seconded by Commissioner Schellberg:

**In PDC Case #06-251, Citizens For a Healthy Economy, the Commission accepts the Stipulation of Facts and Violations.**

The motion passed unanimously.

Ms. Dalton recommended a penalty of \$1500 with no suspension.

Michele Radosevich, attorney for Citizens For a Healthy Economy, apologized to the Commission. She stated that there were some mitigating factors involved. She said that there was very little that was unreported, admitted that there may have been some problems with reports that were filed, agreed that they had not filed electronically and explained that the committee would not be in existence after the election. She requested a lesser penalty than staff recommended.

Executive Session

The Commission went into closed session at 1:40 p.m. for deliberations.

Public Session

The Commission returned to public session at 1:47 p.m.

Enforcement Matters

Hearings (cont.):

*Citizens For a Healthy Economy,  
Case #06-251*

**Motion 06-036**

Moved by Commissioner Connelly, seconded by  
Commissioner Brumsickle:

**In PDC Case #06-251, Citizens For a Healthy Economy, the Commission finds violations of 1) RCW 42.17.080 and .090 by failing to timely file reports of contributions and expenditures during the 2005 campaign cycle and 2) RCW 42.17.3691 by failing to file its campaign reports electronically and assesses a penalty of \$1000.**

Voting For: Commissioners Tilly, Brumsickle and Connelly.

Voting against: Commissioners Noland and Schellberg.

The motion passed.

Reviews

*Daniel Borg, Case #06-148*

Kurt Young reported that a brief enforcement hearing was held on September 14, 2005, in which Mr. Borg was found in violation of RCW 42.17.240 for failing to timely file a Statement of Financial Affairs. He was assessed a \$100 civil penalty. The form was filed on September 12, 2005.

Mr. Borg appeared in person. He stated that he had been out of the country when the warning notice was mailed and received the hearing notice three days prior to the hearing.

**Motion 06-037**

Moved by Commissioner Noland, seconded by  
Commissioner Brumsickle:

**The Commission reconsiders PDC Case #06-148, Daniel Borg.**

Voting For: Commissioners Noland, Brumsickle and Tilly.

Voting Against: Commissioners Connelly and Schellberg.

The motion passed.

**Motion 06-038**

Moved by Commissioner Noland, seconded by Commissioner Brumsickle:

**In PDC Case #06-148, Daniel Borg, the Commission finds a violation and assesses a penalty of \$100 with \$100 suspended if there are no further violations for two years.**

Voting For: Commissioners Noland, Brumsickle and Schellberg.

Voting Against: Commissioners Tilly and Connelly.

The motion passed.

*Susan Brownrigg, Case #06-150*

Kurt Young reported that a brief enforcement hearing was held on September 14, 2005, in which Ms. Brownrigg was found in violation of RCW 42.17.240 for failing to timely file a Statement of Financial Affairs. She was assessed a \$100 civil penalty.

Ms. Brownrigg sent in a letter explaining that she was incorrectly listed as a candidate for commissioner in Whatcom County Fire District One and should have been listed as a candidate for commissioner in Point Roberts Fire District Five.

Mr. Young stated that staff determined that Point Roberts Fire District Five only had 767 registered voters and she was not required to file.

**Motion 06-039**

Moved by Commissioner Connelly, seconded by Commissioner Brumsickle:

**The Commission vacates the order in PDC Case #06-150, Susan Brownrigg.**

The motion passed unanimously.



*Sharonlee Church-Nicholson, Case #06-021*

Kurt Young reported that a brief enforcement hearing was held on September 14, 2005, in which Ms. Church-Nicholson was found in violation of RCW 42.17.240 for failing to timely file a Statement of Financial Affairs. She was assessed a \$150 civil penalty.

Ms. Church-Nicholson provided a letter explaining that she had attempted to file electronically, had saved the form but had not submitted it.

**Motion 06-040**

Moved by Commissioner Connelly, seconded by Commissioner Noland:

**The Commission vacates the order in PDC Case #06-021, Sharonlee Church-Nicholson.**

Voting For: Commissioners Tilly, Noland, Brumsickle and Connelly.

Voting against: Commissioner Schellberg.

The motion passed.

*Carol Gilbert, Case #06-038*

Kurt Young reported that a brief enforcement hearing was held on September 14, 2005, in which Ms. Gilbert was found in violation of RCW 42.17.040 for failing to timely file a Candidate Registration form and RCW 42.17.240 for failing to timely file a Statement of Financial Affairs. She was assessed a \$250 civil penalty. The Statement of Financial Affairs was filed on September 6, 2005 and the Candidate Registration form was filed on September 29, 2005.

Ms. Gilbert provided a letter stating that she thought she had filed her Candidate Registration form electronically.

There was no motion to review this matter.

*Larry Hoff, Case #06-178*

Kurt Young reported that a brief enforcement hearing was held on September 14, 2005, in which Mr. Hoff was found in violation of RCW 42.17.240 for failing to timely file a Statement of Financial Affairs. He was assessed a \$150 civil penalty with \$50 suspended.

Mr. Hoff provided a letter in which he stated that his wife had filed the Statement of Financial Affairs with the Cowlitz County Auditor.

Mr. Young stated that as of the date of the brief enforcement hearing it had not been forwarded to our office but subsequently the PDC had been contacted by Ms. Swanson of the Cowlitz County Auditor's Office stating that the form was filed in their office on September 1, 2005.

**Motion 06-041**

Moved by Commissioner Brumsickle, seconded by Commissioner Noland:

**The Commission vacates the order in PDC Case #06-178, Larry Hoff.**

The motion passed unanimously.

*William Lomen, Case #06-189*

Kurt Young reported that a brief enforcement hearing was held on September 14, 2005, in which Mr. Lomen was found in violation of RCW 42.17.240 for failing to timely file a Statement of Financial Affairs. He was assessed a \$150 civil penalty. The form was filed on September 30, 2005.

Mr. Lomen provided a letter stating that because of his job he was unable to contact the PDC during normal business hours.

There was no motion to review this matter.

*Diana Lopez, Case #06-190*

Kurt Young reported that a brief enforcement hearing was held on September 14, 2005, in which Ms. Lopez was found in violation of RCW 42.17.240 for failing to timely file a Statement of Financial Affairs. She was assessed a \$150 civil penalty. The form was filed on October 18, 2005.

Ms. Lopez participated by phone. She said that she had left the country on August 26, 2005 for a family emergency, leaving the form for her campaign manager to file.

There was no motion to review this matter.

Hearings (cont.):

*Pat Davis, Case #06-250*

Senior Assistant Attorney General Linda Dalton summarized the case against Pat Davis for alleged violations of RCW 42.17.080 and .090 by failing to timely file reports of contributions and expenditures during 2005. Ms. Dalton also summarized the proposed Stipulation of Facts and Violations.

**Motion 06-042**

Moved by Commissioner Connelly, seconded by Commissioner Schellberg:

**In PDC Case #06-250, Pat Davis, the Commission accepts the Stipulation of Facts and Violations.**

The motion passed unanimously.

Ms. Dalton recommended a penalty of \$2500 with \$500 suspended.

Suzanne Thomas, attorney for Pat Davis, stated that the campaign treasurer had experienced some personal and professional difficulties which interrupted his ability to timely file. Ms. Davis was not made aware of those problems on a timely basis to prevent the late filings. A new treasurer has been hired and Ms. Davis will be more involved in future filings.

Ms. Thomas commented that because of Ms. Davis' previous record of timely filing that the suspended amount should be higher.

**Motion 06-043**

Moved by Commissioner Connelly, seconded by Commissioner Brumsickle:

**In PDC Case #06-250, Pat Davis, the Commission finds violations of RCW 42.17.080 and .090 by failing to timely file reports of contributions and expenditures during 2005 and assesses a penalty of \$2500 with \$500 suspended if there are no further violations from the date of the hearing through 2009.**

Voting For: Commissioners Tilly, Noland, Brumsickle and Connelly.

Abstaining: Commissioner Schellberg.

The motion passed.

Reviews (cont.)

*Leslie McRoberts, Case #06-116*

Kurt Young reported that a brief enforcement hearing was held on September 14, 2005, in which Ms. McRoberts was found in violation of RCW 42.17.040 for failing to timely file a Candidate Registration form. She was assessed a \$100 civil penalty. The Candidate Registration form was filed on September 9, 2005.

Ms. McRoberts provided a letter asking for a review. The Commission looked at her previous letter dated September 8, 2005 which said that she had filed electronically on August 22, 2005 and that she received a confirmation on August 24, 2005 that her signature card had been received. She stated that the signature card and the Candidate Registration form were sent on the same day.

There was no motion to review this matter.

*Bruce Richards, Case #06-124*

Kurt Young reported that a brief enforcement hearing was held on September 14, 2005, in which Mr. Richards was found in violation of RCW 42.17.040 for failing to timely file a Candidate Registration form. He was assessed a \$100 civil penalty.

Mr. Richards provided a letter explaining that he believed that he had filed his form, may have misplaced it, and was on vacation for part of August.

There was no motion to review this matter.

*Roger K. Smith, Case #06-132*

Kurt Young reported that a brief enforcement hearing was held on September 14, 2005, in which Mr. Roger K. Smith was found in violation of RCW 42.17.040 for failing to timely file a Candidate Registration form. He was assessed a \$150 civil penalty. The Candidate Registration form has not been filed.

There was no motion to review this matter.

*Todd Smith, Case #06-072*

Kurt Young reported that a brief enforcement hearing was held on September 14, 2005, in which Mr. Todd Smith was found in violation of RCW 42.17.040 for failing to timely file a Candidate Registration form and RCW 42.17.240 for failing to timely file a Statement of Financial Affairs. He was assessed a \$300 civil penalty. The forms were filed on September 26, 2005.

Mr. Smith provided a letter saying that he was sorry for the error and that the penalty was a hardship.

There was no motion to review the matter.

*Carrie Sorensen, Case #06-073*

Kurt Young reported that a brief enforcement hearing was held on September 14, 2005, in which Ms. Sorensen was found in violation of RCW 42.17.040 for failing to timely file a Candidate Registration form and RCW 42.17.240 for failing to timely file a Statement of Financial Affairs. She was assessed a \$300 civil penalty. The forms were filed on September 20, 2005.

Ms. Sorensen provided a letter stating that she was initially unaware that she had to file and had not opened the warning letter and the hearing notice, thinking that they were mail related to her husband's business.

There was no motion to review this matter.

*Roger Trainor, Case #06-077*

Kurt Young reported that a brief enforcement hearing was held on September 14, 2005, in which Mr. Trainor was found in violation of RCW 42.17.040 for failing to timely file a Candidate Registration form and RCW 42.17.240 for failing to timely file a Statement of Financial Affairs. He was assessed a \$200 civil penalty. The forms were filed on September 20, 2005.

Mr. Trainor provided a letter explaining that he thought he had filed in August, admitted to filing in September and asked for the penalty to be reduced.

There was no motion to review this matter.

*Joseph Vreeburg, Case #06-137*

Kurt Young reported that a brief enforcement hearing was held on September 14, 2005, in which Mr. Vreeburg was found in violation of RCW 42.17.040 for failing to timely file a Candidate Registration form. He was assessed a \$150 civil penalty. The Candidate Registration form along with a Statement of Understanding and penalty payment was received on September 27, 2005 with a postmark of September 8, 2005.

**Motion 06-044**

Moved by Commissioner Connelly, seconded by Commissioner Schellberg:

**The Commission vacates the order in PDC Case #06-137, Joseph Vreeburg.**

The motion passed unanimously.

Reporting Modifications

New

*Andrea Darvas, Judge, King  
County Superior Court*

Senior Counsel Nancy Krier reported that Ms. Darvas requests an exemption from listing the address of her personal residence and two rental properties in light of security and safety concerns. Ms. Krier outlined the requirements for filing the Statement of Financial Affair, previous Commission rulings in these matters, as well as the requirements of several other states and the federal government.

Commissioner Noland recused herself from voting on this matter.

**Motion 06-045**

Moved by Commissioner Schellberg, seconded by Commissioner Brumsickle:

**The Commission grants Andrea Darvas a partial reporting modification from reporting the address or legal description of her personal residence.**

**The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the law.**

The motion passed unanimously.

*Paula Peterson, a 2005 Candidate  
for Finn Hill Park and Recreation  
District*

Kurt Young reported that Ms. Peterson requests an exemption from reporting the business customers of her spouse's architectural firm, Suyama, Peterson & Deguchi, of which he is a 25% owner.

**Motion 06-046**

Moved by Commissioner Connelly, seconded by Commissioner Schellberg:

**The Commission grants Paula Peterson a partial reporting modification.**

**The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the law.**

The motion passed unanimously.

Renewal (With Changes)

*Melinda Travis, Commissioner,  
Washington State Lottery  
Commission*

Mr. Young reported that Ms. Travis requests an exemption from reporting the business customers and out-of-state governmental customers of Itron, Inc., a corporation where her spouse serves as an officer.

**Motion 06-047**

Moved by Commissioner Brumsickle, seconded by Commissioner Schellberg:

**The Commission grants Melinda Travis a partial reporting modification.**

**The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the law.**

The motion passed unanimously.

Renewals (No Change)

*The Washington State Democratic  
Central Committee and the  
Washington State Republican  
Party*

Mr. Young reported that the Washington State Democratic Central Committee and the Washington State Republican Party request an exemption from reporting the details of transfers made to their respective federal committees in 2005 that pay the state committees' share of overhead and other allocable expenditures that are not for the direct

benefit of specific state or local candidates or ballot propositions.

**Motion 06-048**

Moved by Commissioner Connelly, seconded by Commissioner Schellberg:

**The Commission grants the Washington State Democratic Central Committee and the Washington State Republican Party a partial reporting modification.**

**The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the law.**

The motion passed unanimously.

*Darlene Hartley, Director,  
Stanwood-Camano Island School  
District*

Mr. Young reported that Ms. Hartley requests an exemption for 2004 and 2005 from reporting the business customers of Seattle Pacific University, where she is a trustee.

**Motion 06-049**

Moved by Commissioner Brumsickle, seconded by Commissioner Connelly:

**The Commission grants Darlene Hartley a partial reporting modification.**

**The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the law.**

The motion passed unanimously.

Online Reference Manual

Lori Anderson demonstrated for the Commission the search capabilities of the Online Reference Manual.

Enforcement Matters (cont.)

Hearing:

*Angel Kavanaugh, Case #06-015*

During a telephone conference at noon with Ms. Kavanaugh, the Commission heard her request to grant a continuation to a later date because she was not available for her 2:00 p.m. hearing.



The Commission and Ms. Kavanaugh agreed to postpone the 2:00 p.m. hearing until 3:30 p.m.

At the enforcement hearing, Assistant Attorney General H. Bruce Marvin, representing PDC staff, summarized the case for the Commission. Mr. Marvin said that Ms. Kavanaugh:

- Failed to identify herself as the sponsor of political advertising in violation of RCW 42.17.510.
- Concealed campaign expenditures for political advertising when she failed to identify herself as the sponsor and falsely implied that the advertising had been sponsored by someone else in violation of RCW 42.17.120.

**Motion 06-050**

Moved by Commissioner Connelly, seconded by Commissioner Brumsickle:

**In PDC Case #06-015, Angel Kavanaugh, the Commission accepts the Stipulation of Documents.**

The motion passed unanimously.

**Motion 06-051**

Moved by Commissioner Connelly, seconded by Commissioner Schellberg:

**In PDC Case #06-015, Angel Kavanaugh, the Commission accepts the Stipulation of Facts.**

The motion passed unanimously.

Political Finance Specialist Tony Perkins, testifying on behalf of PDC staff, stated that during the course of his investigation he was able to obtain copies of a postcard that Ms. Kavanaugh ordered for herself, a similar postcard alleged to have been made by Kyla Houchens, emails from Ms. Kavanaugh to Staples where the postcards were ordered, and receipts showing that the purchases were credited to Staples Rewards cards set up by Ms. Kavanaugh.

Debbie Gerchak, a Staples employee, testified on behalf of staff that she received an email from

Ms. Kavanaugh for the Houchens postcard, called Ms. Kavanaugh to verify the order, had previously processed emailed orders from Ms. Kavanaugh and was present when Ms. Kavanaugh picked up the order and approved it.

Stephanie Eliason, a Staples employee, testified on behalf of staff that she accepted payment in cash for the Houchens postcards, that she witnessed Ms. Kavanaugh approve the postcards and that she credited the purchase to a Staples Reward card given to her by Ms. Kavanaugh.

Angel Kavanaugh testified on behalf of herself that she had not ordered the postcards in question, that she did not see the benefit of such an advertisement to her campaign because it biased voters against her, that email accounts could be stolen, that the Hoquiam Police Department had refused to charge her with an offense and that there was no clear evidence that she had committed the violations.

#### Executive Session

The Commission went into closed session at 5:20 p.m. for deliberations.

#### Public Session

The Commission returned to public session at 5:40 p.m.

#### Enforcement Matter (cont.)

Hearing (cont.)

*Angel Kavanaugh, Case #06-015*

Commissioner Connelly observed there was a lot of evidence that the Commission found not persuasive for either side. The key evidence was the testimony of the Staples employee regarding the phone call to the respondent's phone number to discuss the order and her personally handing the postcards in question to the respondent, along with the corroborating testimony of the other Staples employee who recalled the transaction on that date and the invoice involved.

Commissioner Connelly noted that the Commission weighed these facts against the simple testimony of Ms. Kavanaugh who said that these things did not happen. It was a credibility issue. There was corroborating testimony by the Staples employees and

no evidence of bias on the part of the employees was provided. It is probable that the defendant did order the postcards in question and that her continued denial, use of the other Rewards Card, and the transaction being paid for with cash are evidence of concealment.

**Motion 06-052**

Moved by Commissioner Connelly, seconded by Commissioner Noland:

**In PDC Case #06-015, Angel Kavanaugh, the Commission finds violations of 1) RCW 42.17.510 by failing to identify herself as the sponsor of political advertising and 2) RCW 42.17.120 by concealing campaign expenditures for political advertising when she failed to identify herself as the sponsor and falsely implied that the advertising had been sponsored by someone else.**

**The Commission assesses a penalty of \$2,500.**

The motion passed unanimously.

Adjournment

Chair Tilly adjourned the meeting at 6:00 p.m. The next meeting is scheduled for Thursday, November 30, 2005.

Approved by the Commission 11/30/05